

**SAN LUIS OBISPO COUNTY SUPERIOR COURT
DEPARTMENT P1
HONORABLE RITA FEDERMAN**

**STANDING PRETRIAL ORDER FOR CASES SET FOR EVIDENTIARY
HEARING OR COURT TRIAL**

A. General Procedures

In matters that are set for an evidentiary hearing or trial, counsel and each self-represented litigant shall comply with the pretrial orders set forth in § 2:10.1 of the San Luis Obispo County Superior Court Family Law Policies and Procedures Manual, available on the Court's website under "Self-Help, Family Law" as follows:

<https://www.slo.courts.ca.gov/sh/selfhelp-familylaw.htm>. In particular, the parties shall ensure compliance with the following provisions.

Ten (10) court days before the hearing or trial the parties shall:

- Complete all discovery and basic trial preparation. (See § 2:10.1 (1)(a).)
- If the matter is for dissolution of a marriage, ensure the preliminary and final disclosures required by Family Code §§ 2103 through 2106 have been served. (See § 2:10.1 (1)(b).)
- Schedule a case conference with the opposing side. (See § 2:10.1 (1)(c).)

Five (5) court days before the hearing or trial the parties shall:

- Conduct the case conference and review and exchange the exhibit lists and exhibits that will be used at trial. The parties shall redact all but the last four digits of any identifying bank account numbers or social security numbers. (See § 2:10.1 (2)(a).) The form exhibit list and exhibit labels can be found on the court's website under "Local Forms, FL Series." <https://www.slo.courts.ca.gov/ff/forms.htm>
- At the case conference, if property division is at issue, the parties shall prepare a Joint Property Statement that lists each asset, debt, claim for reimbursement and charge. The standard "Fredman Form" (local form FL001) or a "Propertizer" report must be used. (See § 2:10.1 (2)(c).)

- At the case conference, all sides must meet and confer in good faith to identify the issues in dispute and arrive at stipulations designed to simplify the presentation of relevant evidence. (See § 2:10.1 (2)(e).)

Two (2) court days before the hearing or trial the parties shall:

- File a trial brief identifying all the issues in dispute; summarizing the facts relating to each issue; citing any applicable legal authority; identifying the witnesses who may be called to testify; and attaching the Joint Property Statement if property division is at issue. If child support is at issue, the parties also shall attach a proposed computer-generated report setting forth their contentions for calculation of child support. (See § 2:10.1 (2)(g)-(i) & (k).)
- If child support, spousal support, or attorney fees are at issue, file current Income and Expense Declarations, with supporting schedules and payroll documentation. (See § 2:10.1 (2)(j).)

The day of the hearing or trial the parties shall (see §2:10.1 (3)):

- Deliver the exhibit list and the original sets of pre-marked exhibits to the Court Clerk in the trial department, together with a second copy of the exhibits to be used by the Court. If the hearing is being conducted remotely, the deadline and manner for presenting witness lists and exhibits is modified as set forth below.
- Deliver to the Court Clerk a hard copy of the party's income and expense declaration, Joint Property Statement, and proposed child support calculation for use by the Court.
- Certify that they have met and conferred at the case conference.
- Advise the Court what issues are settled.
- Provide the Court with any stipulations relating to evidence or agreed facts.

B. Readiness Conference

The Court typically will schedule a readiness conference one week before the evidentiary hearing or trial. At the readiness conference, trial counsel and each self-represented litigant may be personally present or may appear remotely by CourtCall or by videoconference. The parties shall be prepared to discuss compliance with the General Procedures set forth above. Failure to comply with any of these provisions may result in an order vacating the trial date.

C. Evidentiary Hearings and Trials Conducted Remotely by Videoconference

The Court may elect to set a matter for an evidentiary hearing or trial by remote videoconference using the Zoom application. In that event, counsel and each self-represented litigant shall follow the instructions provided by the Court prior to the hearing date for joining the videoconference. The hearing ID and password shall be shared only with the attorneys, parties, and witnesses. Counsel and self-represented litigants shall ensure compliance with the following orders.

At least 5 court days prior to the hearing or trial, the parties shall:

- Ensure the parties and witnesses receive the Zoom instructions in a timely manner so that they are prepared to join the hearing at the scheduled time. All participants are required to appear by video unless ordered otherwise.
- Lodge all trial exhibits pursuant to the instructions set forth below.
- E-file with the court and serve on opposing counsel a witness list identifying all non-party witnesses. The failure to file a witness list may result in an order preventing a witness from testifying due to a lack of notice.
- At the trial setting conference, the Court may authorize exhibits and witness lists to be filed and served by a different deadline, in which case the date set by the Court controls.
- Witnesses who do not appear by video shall not be permitted to testify unless granted permission by the Court.

On the day of the hearing or trial the participants shall:

- Participate in the remote appearance with the same degree of courtesy, decorum, use of appropriate language, and courtroom etiquette as required for a personal courtroom appearance.
- Dress in the same manner as they would for a personal appearance in court, without sunglasses or hats.
- Ensure that they have sufficient battery power for the entire remote hearing, including having a charger readily available, and having access to enough cellular data and/or Wi-Fi for the duration of the hearing.
- Eliminate, to the greatest extent possible, all ambient and/or distracting noise from the participant's location.

- Place electronic mobile devices on a solid surface with the camera at eye level.
- Ensure consistent lighting and avoid rooms with bright windows and/or back-lighting.
- Display their legal name on the videoconferencing screen.
- Disable virtual background features.
- Speak directly into the microphone on the device used to connect to the hearing.
- Speak slowly and avoid interrupting others.
- Shall not record or broadcast the hearing except in compliance with California Rule of Court 1.150. A violation of this rule may result in the imposition of sanctions as set forth in subsection (f) of Rule 1.150.

D. Preparation of Exhibits for Hearings and Trials Conducted Remotely

1. Preparation of Exhibits in Electronic Form

Exhibits submitted in electronic form shall be prepared using Adobe portable document format (commonly known as .pdf). They shall be submitted in packets of no more than 300 pages each. Each page in the exhibit packet shall contain a sequential page number, or bates stamp, starting with the first page of the packet. Each exhibit shall have a divider sheet in front of the actual exhibit, which shall be blank except for the exhibit number and the page number. The exhibits should be pre-marked with exhibit labels, including the exhibit number and the case number.

The first page of each exhibit packet shall contain the exhibit list, identifying the exhibits that are contained in the packet. In the event a second exhibit packet is submitted, the exhibit list for the second packet shall identify only the exhibits contained in the second packet.

2. Lodging of Exhibits in Electronic Form

Exhibits in electronic form shall be e-filed with the Court and e-mailed to the other side at least five (5) court days prior to the hearing or trial, unless a different date is set by the Court at the trial setting conference.

Counsel and each self-represented litigant shall ensure that witnesses who may be questioned about the exhibits receive a hard copy of the exhibits prior to the hearing or trial.

3. Lodging of Exhibit Binders and Audio or Video Recordings

If the hearing or trial involves complex expert testimony, or voluminous exhibits, the Court will require that a hard copy of the exhibits be delivered to the Court a minimum of two (2) court days prior to trial. Exhibits of more than 300 pages shall be assembled in exhibit binders. Exhibit binders shall be presented at the Clerk's office at the Paso Robles courthouse; in the event of closure, they shall be presented at the Clerk's office at the San Luis Obispo courthouse; and in the event of closure, they shall be presented at the Jury Services office at the San Luis Obispo courthouse.

Flashdrives containing audio or video recordings shall be lodged in the same manner.

4. Self-Represented Litigants

If a self-represented litigant does not have the ability to e-file, then the exhibit packet shall be delivered the Clerk's office, or in the event of closure, placed in the court's drop box, located outside of the courthouse. Exhibits placed in the drop box shall be clearly marked with an exhibit list that contains the case name, case number, the date and time of the hearing or trial, and the name of the party lodging the exhibits.

5. Additional Exhibits to be Offered During Trial

In the event the Court grants leave to offer additional exhibits during the hearing or trial, the Court will provide a procedure for the exhibits to be transmitted electronically to the Court. The party offering the exhibit shall ensure that it is submitted with an exhibit list; the exhibit is premarked; and it is readily available in electronic form for transmission to the Court, opposing counsel, and the witness.

Date: July 1, 2020



Rita Federman, Superior Court Judge